

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERRENCE F. SMITH,

V. Tamm,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

## PIERCE COUNTY,

Defendant.

CASE NO. C17-5235 BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable J. Richard Creature, United States Magistrate Judge (Dkt. 25), and

Plaintiff Terrence Smith’s (“Smith”) objections to the R&R (Dkt. 26).

On September 25, 2017, Judge Creatura issued the R&R recommending that the

Court grant Defendant Pierce County’s (“County”) motion to dismiss. Dkt. 25. On

October 19, 2017, Smith filed objections. Dkt. 26. On November 2, 2017, the County

responded. Dkt. 27.

The district judge must determine de novo any part of the magistrate judge's

disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3       In this case, Smith's objections are without merit. Instead of identifying an error  
4 in the R&R, Smith merely reiterates his arguments opposing the County's motion to  
5 dismiss. As such, the Court agrees with Judge Creatura that the County is not liable for  
6 the alleged actions of its judges and prosecutors for official actions occurring solely  
7 within the judicial system. Therefore, the Court having considered the R&R, Smith's  
8 objections, and the remaining record, does hereby find and order as follows:

- 9           (1)     The R&R is **ADOPTED**;
- 10          (2)     The County's motion to dismiss is **GRANTED**;
- 11          (3)     Smith's complaint is **DISMISSED with prejudice**;
- 12          (4)     Smith's *in forma pauperis* status is **REVOKED**; and
- 13          (5)     The Clerks shall enter **JUDGMENT** for the County and close this case.

14       Dated this 27th day of November, 2017.

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BENJAMIN H. SETTLE  
United States District Judge